

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Mark A. Sprague
Debtor(s)

Bankruptcy Case No.: 17-70212-JAD
Issued Per Apr. 21, 2017 Proceeding
Chapter: 13
Docket No.: 22 - 6
Concil. Conf.: September 28, 2017 at 10:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated March 17, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,379 as of May 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Sep. 28, 2017 at 10:30 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☒ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: I.R.S. at Claim No. 1; Blairsville-Saltsburg School District and Borough Earned Income Tax at Claim No. 4.
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.
The secured claim of Lendmark Financial Services at Claim No. 3 shall govern as to claim amount, to be paid at the modified plan terms at \$99.42 per month to pay in full.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: May 1, 2017

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Mark A. Sprague
 Debtor

Case No. 17-70212-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-7

User: jhel
 Form ID: 149

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 Total Noticed: 30

Date Rcvd: May 01, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 03, 2017.

db +Mark A. Sprague, 50 East Ranson Avenue, Blairsville, PA 15717-1239
 cr +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave.,
 Pittsburgh, PA 15233-1828
 14383043 +Antarctic Emerg Phys, LLC, PO Box 38041, Philadelphia, PA 19101-0806
 14383045 Berkheimer, PO Box 25153, Lehigh Valley, PA 18002-5153
 14401592 Berkheimer Assoc-Agent Blairsville-Saltzburg SD Bl, 1883 Jory Road, Pen Argyl, PA 18072
 14383047 CBCS, PO Box 2724, Columbus, OH 43216-2724
 14383048 +Daniel J. Santucci, Esquire, 1 International Plaza, 5th Floor, Philadelphia, PA 19113-1510
 14383051 JP Morgan Chase, PO Box 24696, Columbus, OH 43224-0696
 14383053 +KML Law Group, PC, Rebecca A. Solarz, Esq., Suite 5000-BNY Mellon Independence Cente,
 701 Market Street, Philadelphia, PA 19106-1538
 14383052 Kay Jewelers/Sterling Jewelers, Inc., PO Box 1799, Akron, OH 44309-1799
 14383054 +L S Markowitz OD & Assoc, Inc, 101 Heritage Run Rd, Suite 2, Indiana, PA 15701-4501
 14399007 ++LENDMARK FINANCIAL SERVICES LLC, 2118 USHER STREET, COVINGTON GA 30014-2434
 (address filed with court: Lendmark Financial Services, LLC, 2118 Usher Street,
 Covington GA 30014)
 14383055 +Lendmark Financial Services, LLC, 3100 Oakland Ave, Unit 9, Indiana, PA 15701-3240
 14383056 +Midland Funding LLC, 2365 Northside Dr, Suite 300, San Diego, CA 92108-2709
 14383057 +Office of UC Benefits, Claimant Services, PO Box 67503, Harrisburg, PA 17106-7503
 14383058 +PA Child Support Enforce, Domestic Relations, 825 Philadelphia Street,
 Indiana, PA 15701-3934
 14383059 PA Department of Revenue, Bureau of Compliance, Lien Section, PO Box 280948,
 Harrisburg, PA 17128-0948
 14384272 +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14383060 Peoples Natural Gas, PO Box 535323, Pittsburgh, PA 15253-5323
 14383062 +Verizon - Bankruptcy Dept, PO Box 3037, Bloomington, IL 61702-3037
 14383063 +Wade's Body & Frame Shop, Inc., 71 N. Maiden Street, Waynesburg, PA 15370-1713

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14383042 E-mail/Text: ally@ebn.phinsolutions.com May 02 2017 03:27:02 Ally, PO Box 380902,
 Bloomington, MN 55438-0902
 14394999 E-mail/Text: ally@ebn.phinsolutions.com May 02 2017 03:27:02 Ally Financial,
 PO Box 130424, Roseville MN 55113-0004
 14383046 +E-mail/Text: bknotice@bhlmlaw.com May 02 2017 03:27:21
 Blatt, Hasenmiller, Leibsker & Moore LLC, Frank Janello, Esquire,
 1835 Market Street, Suite 501, Philadelphia, PA 19103-2933
 14383049 E-mail/Text: bankruptcynotice@fcbanking.com May 02 2017 03:27:07 First Commonwealth Bank,
 PO Box 400, Indiana, PA 15701
 14383050 +E-mail/Text: cio.bncmail@irs.gov May 02 2017 03:27:13 IRS,
 Centralized Insolvency Operation, PO Box 7346, Philadelphia, PA 19101-7346
 14383061 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 02 2017 03:19:54
 Portfolio Recovery Associates, LLC, 120 Corporate Blvd, Norfolk, VA 23502
 14404079 E-mail/Text: RVSVCBICNOTICE1@state.pa.us May 02 2017 03:27:31
 Pennsylvania Department of Revenue, Bankruptcy division, P O Box 280946,
 Harrisburg P A 17128-0946
 14383064 E-mail/PDF: gecsedirecoverycorp.com May 02 2017 03:19:47 Walmart - Synchrony Bank,
 ATTN: Bankruptcy Dept, PO Box 965060, Orlando, FL 32896-5060
 14383041 E-mail/Text: EBNProcessing@afni.com May 02 2017 03:27:53 afni,
 1310 Martin Luther King Drive, Po Box 3427, Bloomington, IL 61702-3427

TOTAL: 9

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr JPMORGAN CHASE BANK, NATIONAL ASSOCIATION
 14383044 Becky Busani
 cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTALS: 2, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0315-7

User: jhel
Form ID: 149

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Total Noticed: 30

Date Rcvd: May 01, 2017

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 03, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 1, 2017 at the address(es) listed below:

Brian P. Cavanaugh on behalf of Debtor Mark A. Sprague bcavanaugh@greensburglaw.com,
kwahl@greensburglaw.com

James Warmbrodt on behalf of Creditor JPMORGAN CHASE BANK, NATIONAL ASSOCIATION
bkgroup@kmlawgroup.com

Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov

Ronda J. Winnecour cmecf@chapter13trusteedpa.com

S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com,
srk@sjwpgh.com; PNGbankruptcy@peoples-gas.com

TOTAL: 5